

REMARKS

Introduction

Claims 24 and 25 have been canceled, without prejudice, in order to expedite allowance of the present application. Claims 11, 12, 14, 16-23 are pending in the present application. For at least the reasons set forth below, Applicants submit that the pending claims are in condition for allowance.

Rejection of Claims 11, 12, 14 and 16-25 under 35 U.S.C. §112, ¶1

Claims 11, 12, 14 and 16-25 stand rejected under 35 U.S.C. §112, ¶1 as failing to comply with the written description requirement. As an initial matter, claims 24 and 25 have been canceled, without prejudice.

As regards claims 11 and 19 (and claims 12, 14, 16-18, and 20-23, which depend from claim 11 or 19), the Examiner believes that the recitation of the “conducting” operation feature of these claims is not supported. Applicants have amended claims 11 and 19 to clarify the subject matter recited therein to instead recite language more closely matching the wording set forth in the Substitute Specification. In particular, claims 11 and 19 now recite “allowing a remote testing and diagnosis of the other components of the distributed system to be carried out.” As set forth in the Substitute Specification, at e.g., page 5, lines 15-17 (emphasis added):

In addition, service element 2 allows a service provider to carry out a remote diagnosis of the individual components, using communication element 4. This service provider can then test the individual components directly, using communication element 4 and service element 2.

It is respectfully submitted that claims 11, 12, 14, 16-23 fully comply with the written description requirement of 35 U.S.C. §112, ¶1.

Claims 11, 12, 14 and 16-25 stand rejected under 35 U.S.C. §112, ¶1 as failing to comply with the enablement requirement. In particular, the Examiner believes that the operations of “upgrading” and “maintaining” should not be recited as separate steps. In particular, the Examiner believes that “upgrading of individual components with new software versions is a particular manner of carrying out maintenance tasks.” Accordingly, Applicants have amended claims 11 and 19 to delete the separate reference to “upgrading.” Claims 24 and 25 have been canceled, without prejudice.

The Examiner also apparently believes that the “communicating” operation of claim 14 is not separate from the “correcting” operation or the “upgrading” operation of claim 11. Applicants have amended claim 14 to clarify that the “maintaining” operation and/or the “correcting” operation (of claim 11) includes the “communicating” operation. Support for this clarification can be found, e.g., in the Substitute Specification at page 7, lines 10-30.

In view of the foregoing, it is respectfully submitted that claims 11, 12, 13 and 16-23 fully comply with the enablement requirement of 35 U.S.C. §112, ¶1.

Rejection of claims 11-12, 14, 17-20 and 23 under 35 U.S.C. §103(a)

Claims 11-12, 14, 17-20 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,370,449 to Razavi (“Razavi”) in view of U.S. Patent No. 6,512,968 to de Bellefeuille et al. (“de Bellefeuille”). It is respectfully submitted that none of claims 11-12, 14, 17-20 and 23 is obvious over Razavi in view of de Bellefeuille, for at least the following reasons.

Claims 11 and 19, recite the feature of, *inter alia*, a service element, disposed within a motor vehicle, which performs operations including “performing an error diagnosis of software running on the other components.” The recited “components” of claims 11 and 19 are independent of one another and interconnected via a bus. As regards the operation of “performing an error diagnosis ...,” the Examiner acknowledges that Razavi does not disclose this feature, and instead relies on de Bellefeuille.

de Bellefeuille describes a computerized automotive servicing device, as may be hooked up (i.e., externally) to the electrical system of a motor vehicle. (e.g. col. 8, lines 10-21 describing the invention as used in a wheel alignment device). The automotive servicing device is not disposed within the motor vehicle, as recited in claim 11 and 19, but rather is manually connected to the vehicle during a servicing operation. Additionally, the “error diagnosis” allegedly described by de Bellefeuille at col. 11, lines 12-25 is not an error diagnosis of “the other components,” i.e., other components which are interconnected via a bus within the motor vehicle, as recited in claims 11 and 19. Instead, the file integrity check tool apparently checks files that appear to be stored on the same device as the file integrity check tool.

Additionally, claims 11 and 19 recite that the service element performs the operation of “allowing a remote testing and diagnosis of the other components of the distributed system

to be carried out.” With respect to this feature, the Examiner apparently relies on col. 15, lines 3-10 of Razavi. Respectfully, this section of Razavi describes that a service station may request service records of the vehicle so that any necessary service may be performed. This section does not describe any remote testing of components.

For at least the foregoing reasons, Razavi in view of de Bellefeuille does not render claims 11 and 19 obvious. Claims 12, 14, 16-18, and 20-23 depend from one of claims 11 and 19; accordingly, the subject matter of these claims are not obvious over Razavi in view of de Bellefeuille for at least the same reasons. Applicants request withdrawal of the rejection.

Rejection of claim 16 under 35 U.S.C. §103(a)

Claim 16 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Razavi in view of de Bellefeuille and further in view of U.S. Patent No. 6,330,499 (hereinafter referred to as “Chou”). Claim 16 depends from claim 11 and as discussed above, Razavi and de Bellefeuille do not describe or suggest all of the features of claim 11. Additionally, Chou has not been asserted to overcome the deficiencies of the Razavi / de Bellefeuille combination. Therefore, for at least the reasons stated above, Applicants request withdrawal of the present rejection.

Rejection of claim 21 under 35 U.S.C. §103(a)

Claim 21 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Razavi in view of de Bellefeuille and further in view of U.S. Patent No. 5,465,207 (hereinafter referred to as “Boatwright”). Claim 21 depends from claim 14 and as discussed above, Razavi and de Bellefeuille do not describe or suggest all of the features of claim 11. Additionally, Boatwright has not been asserted to overcome the deficiencies of the Razavi / de Bellefeuille combination. Therefore, for at least the reasons stated above, Applicants request withdrawal of the present rejection.

Rejection of claim 22 under 35 U.S.C. §103(a)

Claim 22 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Razavi in view of de Bellefeuille and further in view of U.S. Patent No. 5,964,813 (hereinafter referred to as “Ishii”). Claim 22 depends from claim 11 and as discussed above, Razavi and de Bellefeuille do not describe or suggest all of the features of claim 11. Additionally, Ishii has

not been asserted to overcome the deficiencies of the Razavi / de Bellefille combination. Therefore, for at least the reasons stated above, Applicants request withdrawal of the present rejection.

Rejection of claims 11-12, 14, 16-21 and 23 under 35 U.S.C. §103(a)

Claims 11-12, 14, 16-21 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,185,491 (hereinafter referred to as "Gray") in view of Razavi in view of Buckley and further in view of Chou. It is respectfully submitted that none of claims 11-12, 14, 16-21 and 23 is obvious over Gray in view of Razavi, in view of Buckley, and in view of Chou, for at least the following reasons.

Claim 11 recites, inter alia, the following:

performing an error diagnosis of software running on the other components, and, if the software on one of the other components has an error, correcting that software

Claim 19 includes similar language.

On page 16 of the Office Action, the Examiner apparently admits that neither Gray nor Razavi teach the above feature of claims 11 and 19, and instead relies on Buckley. In particular, for the error diagnosis, the Examiner apparently relies on Buckley at col. 8:46-63, and for the correcting of the software, apparently relies on Buckley at col. 7:38-52. Respectfully, in these sections of Buckley, software on other components is not being diagnosed for errors, and software on other components is not being corrected. Respectfully, the sections of Buckley relied upon by the Examiner appear to be checking the validity of messages, not software that runs on other components or otherwise. The CRC, for example, is used to make sure that the message was not corrupted during transmission. These sections do not disclose the above-cited feature of claim 11.

Although the Office Action is not completely clear, the Examiner also mentions col. 9:38-55 and col. 10:27-33 of Buckley in connection with the above-cited features. Respectfully, these sections of Buckley do not describe the above-cited features of claim 11 either. These sections of Buckley appear to describe that CIPN microprocessor checks firmware that runs on itself. It does not appear to check software that runs on any other, independent component of a distributed system.

Claim 11 also recites, inter alia, the following:

allowing a remote testing and diagnosis of the other components of the distributed system to be carried out.

Claim 19 includes a similar feature. As regards this feature, the Examiner apparently admits that none of Gray, Razavi or Buckley disclose it. Instead, the Examiner relies on Chou, col. 3:15-31. As regards this section of Chou, this section describes a network interface. It does not appear that any remote “testing” of other components of a distributed system is disclosed.

For at least the foregoing reasons, it is respectfully submitted that the combination of Gray, Razavi, Buckley and Chou does not render obvious claims 11 and 19. Also, claims 12, 14, 16-18, and 20-23 depend from one of claims 11 and 19, thus, the subject matter of these claims is also not rendered obvious. Withdrawal of the rejection is, therefore, requested.

Rejection of claim 22 under 35 U.S.C. §103(a)

Claim 22 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Gray in view of Razavi in view of Buckley, Chou and U.S. Patent No. 4,866,713 (hereinafter referred to as “Worger”). Claim 22 depends from claim 11 and as discussed above, Gray, Razavi, Buckley and Chou do not describe or suggest all of the features of claim 11. Worger does not cure the deficiencies of Gray, Razavi, Buckley and Chou (nor has it been relied on for such). Therefore, for at least the reasons stated above, Applicants request withdrawal of the present rejection.

Rejections of claims 24 and 25

Claims 24 and 25 have been canceled, without prejudice.

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Conclusion

In light of the foregoing, Applicants respectfully submit that all of the pending claims 11-12, 14 and 16-23 are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

Respectfully submitted,

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